

REMARKS

Applicants amended claims 1, 3, 8 and 13; canceled claim 2; and added new claims 26-31. Claims 1, 3, 4, 6-8, 13-15, 20-22, and 25-31 are presented for examination.

The independent claims are 1 and 13. Claim 1 covers an expandable medical implant for implantation in a bodily vessel, the implant having a flow passage therethrough, the implant being in the form of a stent comprising a body having a generally tubular shape and capable of maintaining patency in a blood vessel, the body consisting essentially of an alloy comprising tungsten and rhenium. Claim 13 covers a stent manufactured from a sheet of metal or from a metal tube, comprising a body having a generally tubular shape and capable of maintaining patency in a blood vessel, the body consisting essentially of a metal having a modulus of elasticity of 300 GPa or greater.

Prior to this Reply, the claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,628,787 ("Mayer") in view of U.S. Patent No. 5,226,909 ("Evans"), or over Mayer in view of Evans and further in view of "Tungsten-Rhenium Data Sheet" by Rhenium Alloys, Inc. ("the Data Sheet"). None of these references, however, discloses or suggests a stent having a body capable of maintaining patency in a blood vessel and consisting essentially of an alloy comprising tungsten and rhenium, or a metal having a modulus of elasticity of 300 GPa or greater, as recited in the amended claims.

Mayer is directed to a stent having a composite structure (such as a filament) that includes a case 26 surrounding a radiopaque core 24, which may include gold, tungsten, iridium, rhenium, ruthenium, and depleted uranium. The Examiner has reasoned that it would have been obvious to substitute a tungsten-rhenium alloy mentioned by Evans for Mayer's core material. But assuming, while not conceding, that Mayer and Evans could be properly combined, the resulting stent would not result in the claimed stent because the resulting stent would not include body capable of maintaining patency in a blood vessel and consisting essentially of an alloy comprising tungsten and rhenium, or a metal having a modulus of elasticity of 300 GPa or greater.

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The Data Sheet does not cure the deficiencies of Mayer or Evans discussed above. At best, the Data Sheet discloses some tungsten-rhenium alloy compositions and indicates that the compositions can be used for medical applications. There is no indication that the compositions can be used in a stent, let alone that they be used in a body of stent that is capable of maintaining patency in a blood vessel.

For at least the reasons discussed above, Applicants believe the claims are in condition for allowance, which action is requested.

Enclosed is a Petition for Extension of Time with the fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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